UNITED NATIONS **A**

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A/RES/49/209
17 February 1995

Forty-ninth session
Agenda item 101

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/611)]

49/209. Protection of children affected by armed conflicts

The General Assembly,

Reaffirming its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child, and its resolution 3318 (XXIX) of 14 December 1974, by which it proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recalling that the Geneva Conventions of 12 August 1949 1/ and the Additional Protocols thereto, of 1977, 2/ as well as article 38 of the Convention on the Rights of the Child, accord children special protection and treatment,

Recalling also the World Declaration on the Survival, Protection and Development of Children 3/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 3/ adopted by the World Summit for Children in New York in September 1990, and stressing the necessity of implementing their provisions,

Noting the work of the Committee on the Rights of the Child on the elaboration of a preliminary draft optional protocol to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts, 4/

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

2/ Ibid., vol. 1125, Nos. 17512 and 17513.

3/ See A/45/625, annex.

4/ E/CN.4/1994/91, annex.

Taking note of the report of the Committee on the Rights of the Child on its fifth session, 5/ held in Geneva from 10 to 28 January 1994,

Recalling Commission on Human Rights resolution 1994/94 of 9 March 1994, 6/

Mindful of the strong support of the World Conference on Human Rights, held at Vienna in June 1993, for a proposed study, as reflected in paragraph 50 of section II of the Vienna Declaration and Programme of Action, 7/

Profoundly concerned about the continuing deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate action is called for,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Recognizing the valuable work done in this field by United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations,

Recalling its resolution 48/157 of 20 December 1993,

1. Expresses grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts;

2. Calls upon States fully to respect the dispositions contained in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, as well as those in the Convention on the Rights of the Child, which accord children affectated by armed conflicts special protection and treatment;

3. Recognizes that children in situations of armed conflict and in the immediate aftermath of armed conflict have the right to adequate nutrition, proper medical care and shelter;

4. Also recognizes the right of expectant mothers to the same care and protection, under similar circumstances;

5. Requests Member States and United Nations agencies, within the scope of their respective mandates, to undertake appropriate measures to facilitate the extension of humanitarian assistance and relief and humanitarian access to children in situations of armed conflict and the immediate aftermath of such conflict;

5/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

6/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

7/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

6. Takes note of the note by the Secretary-General of 20 September 1994 on concrete measures taken to alleviate the situation of children in armed conflicts; 8/

7. Requests the Secretary-General to report on the concrete measures which have been taken to alleviate the situation of children in armed conflicts, based on the information to be provided by Member States and United Nations bodies and organizations, as well as by other relevant intergovernmental and non-governmental organizations;

8. Takes note with appreciation of the report of the Committee on the Rights of the Child on its fifth session and the recommendations contained therein concerning the situation of children affected by armed conflicts; 9/

9. Welcomes the appointment of an expert to undertake a comprehensive study of this question, with the mandate established by the General Assembly in resolution 48/157;

10. Takes note of the progress report of the Secretary-General of 4 November 1994 on the work of the above-mentioned expert; 10/

11. Notes that support is provided to the expert jointly by the Centre for Human Rights of the Secretariat and the United Nations Children's Fund;

12. Requests the Secretary-General to ensure that the Centre for Human Rights is provided, within existing resources, with the staff and other resources it requires to assist the expert in the effective discharge of her mandate;

13. Requests Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the study referred to in paragraph 9 of the present resolution;

14. Invites the Commission on Human Rights to consider the study at its fifty-first session;

15. Requests the Secretary-General to submit a report on the study to the General Assembly at its fiftieth session;

16. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

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8/ A/49/411.

9/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41), chap.I, sect.J.

10/ A/49/643.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/611)]

49/210. Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The General Assembly,

Reaffirming the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human rights at Vienna in June 1993, which requires effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children 2/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 2/ adopted by the World Summit for Children in New York in September 1990,

Bearing in mind Commission on Human Rights resolution 1992/74 of 5 March 1992, 3/ by which the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ See A/45/625, annex.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Recalling its resolution 48/156 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/90 of 9 March 1994, 4/

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,

Deeply concerned by the persistence of the practice of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

Deeply disturbed by the persistence of the practice of the sale of children and other practices, which may be linked to related disappearances, illegal adoptions, abandonment, kidnapping and abductions for commercial purposes,

Bearing in mind the different causes that influence the emergence and persistence of these special circumstances, including in particular poverty, unemployment, hunger, natural disaster, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child,

Recognizing the existence of a market which encourages the increase of such criminal practices against children,

Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter,

Considering that it is necessary to redouble efforts at the national and international levels to promote and protect the rights of children all over the world,

1. Welcomes the provisional report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, 5/

2. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

3. Urges Governments to continue searching for solutions, as well as ways and means of enhancing international cooperation to eradicate such aberrant practices;

4. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of the sale of children, child prostitution and child pornography, and urges him to continue his efforts in the discharge of his mandate;

5. Urges all Governments to collaborate with the Special Rapporteur and to assist him by providing him with all the requested information;

4/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

5/ A/49/478.

6. Calls upon those States that have not done so to become parties to the Convention on the Rights of the Child, and calls upon the States parties to the Convention to implement national measures aimed at fulfilling the provisions of the Convention;

7. Notes the establishment by the Economic and Social Council by its resolution 1994/9 of 22 July 1994 of an open-ended working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as establishing the basic measures needed for the prevention and eradication of those abnormal practices,

8. Requests the Secretary-General to transmit the report of the working group to Governments, the Special Rapporteur and the intergovernmental and non-governmental organizations concerned;

9. Invites the Special Rapporteur, within the framework of his mandate, to continue giving attention to the economic, social, legal and cultural factors affecting these phenomena;

10. Requests the Special Rapporteur to submit a provisional report to the General Assembly at its fiftieth session;

11. Requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat is provided, within existing resources, with the staff and other resources it requires to assist the Special Rapporteur and the working group in the effective discharge of their mandates;

12. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

94th plenary meeting
23 December 1994